

CERTIFICATE OF TRANSMISSION

Attorney Docket No.

I hereby certify that this correspondence is being facsimile transmitted to the
Patent and Trademark Office Fax No. (571) 273-8300

A2038-US-NP

on 12/20/2005
Date

Kathleen Schirtz
Kathleen Schirtz

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Vincent P. Vaccarelli

Group Art Unit: 3627

Application No.: 10/083,263

Examiner: James A. Kramer

Filed: February 25, 2002

Confirmation No.: 4221

For: CUSTOMER SATISFACTION SYSTEM AND METHOD

Mail Stop: Appeal Brief
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**RECEIVED
CENTRAL FAX CENTER
DEC 20 2005**

Sir:

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

LETTER

Enclosed herewith is an original Appellants' Brief on Appeal in the above-identified application.
An oral hearing is not requested.

Please charge the fee for filing of the Appeal Brief to Xerox Corporation, Deposit Account
No. 24-0025.

Respectfully submitted,

Jeannette M. Walder
Jeannette M. Walder

Signature under 37 CFR 1.33 & 34

Registration No. 30,698

Telephone No. 714-565-1700

Date December 20, 2005

Customer No.: 25453

Rev. 09/2005

PATENT APPLICATION

CERTIFICATE OF TRANSMISSION

I hereby certify that this Appeal Brief is being facsimile transmitted to the United States Patent and Trademark Office (Fax No. 571-273-8300) on 12/20/2005 (Date)

Kathleen Schirtz

(Typed or printed name of person signing this certificate)

Signature Kathleen Schirtz

**RECEIVED
CENTRAL FAX CENTER
DEC 20 2005**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE HONORABLE BOARD OF PATENT APPEALS AND INTERFERENCES

In re the Application of

Vincent Vaccarelli et al.

Application No.: 10/083,263

Filed: February 25, 2002

For: CUSTOMER SATISFACTION SYSTEM AND METHOD

Confirmation No.: 4221

Customer No.: 25453

Examiner: James A. Kramer

Docket No.: A2038-US-NP

BRIEF ON APPEAL

Appeal from Group 3627

Jeannette M. Walder
Registration No. 30,698
Xerox Corporation
Santa Ana, California
Telephone No. 714-565-1700
Attorney for Appellants

Application No. 10/083,263

TABLE OF CONTENTS

	<u>Page</u>
I. REAL PARTY IN INTEREST	1
II. STATEMENT OF RELATED APPEALS AND INTERFERENCES	2
III. STATUS OF CLAIMS	3
IV. STATUS OF AMENDMENTS	4
V. SUMMARY OF CLAIMED SUBJECT MATTER	5
VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL	6
VII. ARGUMENT	7
A. <u>Claims 1-9 and 19-21 are patentable over Sakakibara et al. (U.S. Patent No. 6,564,227) in view of Goldband et al. (U.S. Patent No. 6,44,532). Claims 1-9 and 19-21 would not have been obvious over Sakakibara et al. (U.S. Patent No. 6,564,227) in view of Goldband et al. (U.S. Patent No. 6,44,532).</u>	7
1. Claims 1-9, 19-20	7
a. <u>Sakakibara does not send open ended queries to customers; Sakakibara queries devices.</u>	7
b. <u>Sakakibara does not collect customer responses; Sakakibara collects usage information and fault information from devices.</u>	8
c. <u>Sakakibara does not teach a customer satisfaction system; Sakakibara teaches a customer support system.</u>	8
d. <u>Combining the user interface of Goldband with the customer support system of Sakakibara does not produce Appellants' customer satisfaction system.</u>	9
2. Claim 20	9
a. <u>Neither Sakakibara nor Goldband teach a system having an analysis module, such that the analysis module, responsive to a response from the customer that the problem has not been solved, opens a new customer problem.</u>	9
3. Claim 21	9
a. <u>Neither Sakakibara nor Goldband teaches wherein an email query includes a yes link for enabling a customer to respond in the affirmative to the query as to whether the customer has any problems with goods or services provided by a provider that have not been resolved to the customer's satisfaction and a no link for enabling a customer to respond in the negative, wherein responsive to selection of the yes link, the system displays an interface for receiving input from the customer</u>	9

Application No. 10/083,263

describing the problem that has not been resolved to the
customer's satisfaction.

VIII. CONCLUSION.....	11
CLAIMS APPENDIX.....	A-1
EVIDENCE APPENDIX.....	B-1
RELATED PROCEEDINGS APPENDIX	C-1

Application No. 10/083,263

I. REAL PARTY IN INTEREST

The real party in interest for this appeal and the present application is Xerox Corporation, by way of an Assignment recorded on February 25, 2002 in the U.S. Patent and Trademark Office at Reel 12645, Frame 765-766.

12/22/2005 MGBREM1 00000067 240025 10083326

01 FC:1402 500.00 DA

Application No. 10/083,263

II. STATEMENT OF RELATED APPEALS AND INTERFERENCES

There are no prior or pending appeals, interferences or judicial proceedings, known to Appellants, Appellants' representative, or the Assignee, that may be related to, or which will directly affect or be directly affected by or have a bearing upon the Board's decision in the pending appeal.

Application No. 10/083,263

III. STATUS OF CLAIMS

Claims 1-9, 19-21 are on appeal.

Claims 1-9, 19-21 are pending.

Claims 1-9, 19-21 are rejected.

Claims 10-18 are canceled.

Application No. 10/083,263

IV. STATUS OF AMENDMENTS

No Amendment After Final Rejection has been filed.

Application No. 10/083,263

V. SUMMARY OF CLAIMED SUBJECT MATTER

The invention of Claim 1 is directed to a customer satisfaction system 100, comprising a query module 10, an analysis module 20 and at least one problem solver module 50 (patent application [hereinafter "pa"], page 2, lines 24-30 and Figure 1). The query module 10 automatically sends a query to a customer as to whether the customer has any problems with goods or services provided by a provider that have not been resolved to the customer's satisfaction, according to a predetermined schedule, and receives responses from customers to the queries, wherein a query includes a user interface for receiving responses input from a customer (pa, page 2, lines 25-26, page 4, line 16, Figure 3). An analysis module analyzes responses from customers to identify a customer problem, sends the identified customer problem to a problem solver module for resolution by a problem solver, tracks status of the identified customer problem (pa, page 2, lines 27-29 and page 4, line 25). At least one problem solver module receives an identified customer problem from the analysis module, transmits the identified customer problem to a problem solver, receives a solution to the identified customer problem from the problem solver, and transmits the solution to the customer (pa, page 2, lines 29-30, page 4, lines 19-25). Upon transmission of the solution to the identified customer problem to the customer, the problem solver module notifies the analysis module of the solution and the analysis module causes the query module to send a query to the customer requesting verification that the problem has been solved (pa, page 4, lines 26-30).

The invention of Claim 20 is directed to the system, wherein the analysis module, responsive to a response from the customer that the problem has not been solved, opens a new customer problem (pa, page 6, lines 29-30).

The invention of Claim 21 is directed to the system, wherein the query module sends queries via e-mail and receives responses via e-mail (pa, page 3, line 5) and wherein an email query includes a yes link for enabling a customer to respond in the affirmative to the query as to whether the customer has any problems with goods or services provided by a provider that have not been resolved to the customer's satisfaction and a no link for enabling a customer to respond in the negative, wherein responsive to selection of the yes link, the system displays an interface for receiving input from the customer describing the problem that has not been resolved to the customer's satisfaction (pa, page 5, lines 21-30, Figure 3 and 4).

Application No. 10/083,263

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

The following grounds of rejection are presented for review:

Claims 1-9 and 19-21 are rejected under 35 U.S.C. §103(a) as being unpatentable over Sakakibara et al. (U.S. Patent No. 6,564,227) in view of Goldband et al. (U.S. Patent No. 6,44,532).

Application No. 10/083,263

VII. ARGUMENT

A customer problem is the difference between the customer's expectation and the provider's or the product's performance. Total customer satisfaction can be achieved by the elimination of customer problems. In prior art customer satisfaction systems, typically a survey is sent to the customer. Generalized customer satisfaction surveys, like most surveys, suffer from limited customer response. Marketing surveys also generally report evaluations without specific indications for improvement, and follow a "measure and report" sequence that frequently results in delayed improvements to solve general problems identified, if any. Consequently, customers with unique or urgent problems become dissatisfied and disloyal, resulting in profit declines. Appellants' invention goes a long way toward eliminating customer problems by sending an open-ended query to customers, analyzing the customer responses, assigning the customer problems to appropriate problem solvers, forwarding the responses to the customers and making sure the solution actually fixed the problem. Appellants' invention in one embodiment employs email for communication and provides a query that may be responded to with a simple yes or no response.

- A. Claims 1-9 and 19-21 are patentable over Sakakibara et al. (U.S. Patent No. 6,564,227) in view of Goldband et al. (U.S. Patent No. 6,44,532). Claims 1-9 and 19-21 would not have been obvious over Sakakibara et al. (U.S. Patent No. 6,564,227) in view of Goldband et al. (U.S. Patent No. 6,44,532).

1. Claims 1-9, 19-20

- a. Sakakibara does not send open ended queries to customers; Sakakibara queries devices.

Appellants' system includes a query module for automatically sending a query to a customer as to whether the customer has any problems with goods or services provided by a provider that have not been resolved to the customer's satisfaction. A "query as to whether the customer has any problems" is an open-ended query. The customer is not limited by his response to a particular device or service call. Open-ended queries result in more responses from recipients of the open-ended query.

Open-ended queries are useful when dealing with customers. Open-ended queries do not translate well when dealing with devices. A device can only respond to queries that have been written in a language that the device's processor and software can read. A device can only respond to pre-defined queries: such as, send the data stored in a particular memory location; what is the level of the paper in tray #1?

Application No. 10/083,263

Sakakibara does not send open-ended queries to customers; Sakakibara monitors devices that have been programmed to respond with usage data and fault data. To the extent that Sakakibara is understood, Sakakibara sends specific queries to devices for specific data that has been collected by the device (usage data and fault data). In Sakakibara, each device is programmed to respond in a particular fashion to defined queries. The system of Sakakibara remotely monitors device usage and fault information.

- b. Sakakibara does not collect customer responses to open-ended queries; Sakakibara collects usage information and fault information from devices.

Appellants' system collects responses from customers to its open-ended queries. These responses, since they come from customers, can pertain to any problem the customer may have with goods or services provided by a provider.

The only information retrieved in response to queries in Sakakibara's "queries to devices" is fault information and usage information. Sakakibara's system does not query the customer directly. Service calls involving a technician are expensive. Sakakibara's system is designed to facilitate providing customer service remotely. To the extent a customer support system can monitor and fix a device remotely, without contacting the customer directly or involving a technician, the provider saves time and money.

- c. Sakakibara does not teach a customer satisfaction system; Sakakibara teaches a customer support system.

Sakakibara is concerned with providing customer support, i.e., providing support for various devices located at a customer facility (see col. 1, lines 49-51 of Sakakibara), not customer satisfaction. Sakakibara wants to be able to maximize the amount of device service it provides remotely in order to minimize technician time servicing customer devices at a customer facility. To facilitate customer support, Sakakibara remotely monitors devices located at the customer facility. The remotely monitored information is used by Sakakibara's customer support system to provide support to the customer devices.

A customer support system is not the same as a customer satisfaction system. Customer support systems are used to provide support to hardware and software installed at a customer facility. The goal of a customer satisfaction system is to eliminate problems and thus ensure repeat business. Appellants' customer satisfaction system measures, among other things, how well customer support is solving customer problems. Appellants' customer satisfaction system is able to eliminate customer problems (not just customer support

Application No. 10/083,263

problems associated with hardware or software not working) because it sends an open-ended query to customers.

- d. Combining the user interface of Goldband with the customer support system of Sakakibara does not produce Appellants' customer satisfaction system.

Combining the user interfaces of Goldband with the customer support system of Sakakibara does not produce Appellants' customer satisfaction system. Collecting device information as taught by Sakakibara in a user interface of Goldband results only in a customer service system which collects information in a user interface. It does not result in Appellants' customer satisfaction system, which collects information in response to open-ended queries to customers.

2. Claim 2()

- a. Neither Sakakibara nor Goldband teach a system having an analysis module, such that the analysis module, responsive to a response from the customer that the problem has not been solved, opens a new customer problem.

The Examiner argues that it is old and well known in the art to send "follow-up" queries to customers in order to verify that the work performed was done to the customer's satisfaction. However, no reference has been cited to teach the invention of Claim 21, wherein, "responsive to a response from the customer that the problem has not been solved, opens a new customer problem." Nor is it old and well known in the art to do so. Appellants' system, in this embodiment, promotes customer satisfaction by ensuring that all customer problems are resolved to the customer's satisfaction. Opening a new customer problem serves to heighten the seriousness of the customer's problem to identify to the problem solver that the customer's problem has not been resolved to the customer's satisfaction.

3. Claim 21

- a. Neither Sakakibara nor Goldband teaches wherein an email query includes a yes link for enabling a customer to respond in the affirmative to the query as to whether the customer has any problems with goods or services provided by a provider that have not been resolved to the customer's satisfaction and a no link for enabling a customer to respond in the negative, wherein responsive to selection of the yes link, the system displays an interface for receiving input from the customer describing the

Application No. 10/083,263

problem that has not been resolved to the customer's satisfaction.

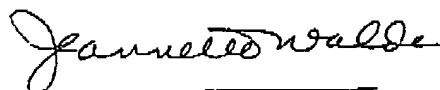
Sakakibara does not teach a user interface for collecting information. Goldband teaches a user interface for providing customer software support (see col. 1, lines 56-61). Like Sakakibara, Goldband is concerned with a customer support system (and selling more software), not with a customer satisfaction system as claimed by Appellants. While Goldband describes several interactive web pages containing links to other web pages (see for example, Figures 5 and 8 - a link to visit another web site; Figure 6 - several links to order products or receive information about products; Figure 7 - complete an online survey), none of the interactive web pages contain a yes link for enabling a customer to respond in the affirmative to an open-ended query and a no link for enabling a customer to respond in negative. Indeed, Goldband's concept of a customer survey is similar to the prior art, in that Goldband's survey hopes to elicit a response to a specific question by selecting from a plurality of choices. In Figure 7 of Goldband, the customer is asked to rate how satisfied he was with "banking online with Quicken". The customer must choose from very satisfied, somewhat satisfied, neutral, somewhat dissatisfied and very dissatisfied. In contrast, in Appellants' system, the user interface presents an open-ended question ("are you experiencing any problems with Xerox that have not been resolved to your satisfaction") to which the user can respond in the affirmative or the negative (pa, Figure 3).

Application No. 10/083,263

VIII. CONCLUSION

For all of the reasons discussed above, it is respectfully submitted that the rejections are in error and that Claims 1-9, 19-21 are in condition for allowance. For all of the above reasons, Appellants respectfully request this Honorable Board to reverse the rejections of Claims 1-9, 19-21.

Respectfully submitted,



Jeannette M. Walder
Attorney for Appellants
Registration No. 30,698
Telephone No. 714-565-1700

Xerox Corporation
Santa Ana, California

Date: December 20, 2005

Application No. 10/083,263

CLAIMS APPENDIX

CLAIMS INVOLVED IN THE APPEAL:

1. (Previously Presented) A customer satisfaction system, comprising:
a query module for automatically sending a query to a customer as to whether the customer has any problems with goods or services provided by a provider that have not been resolved to the customer's satisfaction, according to a predetermined schedule, and for receiving responses from customers to the queries, wherein a query includes a user interface for receiving responses input from a customer;
an analysis module for analyzing responses from customers to identify a customer problem, for sending the identified customer problem to a problem solver module for resolution by a problem solver, and for tracking status of the identified customer problem;
and
at least one problem solver module for receiving an identified customer problem from the analysis module, for transmitting the identified customer problem to a problem solver, for receiving a solution to the identified customer problem from the problem solver, and for transmitting the solution to the customer;
wherein, upon transmission of the solution to the identified customer problem to the customer, the problem solver module notifies the analysis module of the solution and the analysis module causes the query module to send a query to the customer requesting verification that the problem has been solved.
2. (Original) The system of claim 1, further comprising a memory for storing a copy of each query sent, response received, problem identified and solution generated.
3. (Original) The system of claim 2, further comprising a report generator module for generating a report of queries sent, responses received, problems identified and solutions generated.
4. (Original) The system of claim 1, wherein the query module sends queries via e-mail and receives responses via e-mail.

5. (Previously Presented) The system of claim 1, wherein the analysis module includes a pattern recognition system for analyzing customer responses.

6. (Original) The system of claim 3, wherein the report generator module includes a problem reporting module and a customer relationship management database.

7. (Original) The system of claim 5, further comprising an account activity module including records of customer account activity for storing a record of customer queries, customer responses, customer problems and solutions.

8. (Original) The system of claim 1, wherein the predetermined schedule comprises once a month.

9. (Original) The system of claim 1, wherein the predetermined schedule comprises once a week.

Claims 10 - 18. (Cancelled).

19. (Previously Presented) The system of claim 1, wherein, the analysis module, responsive to a response from the customer verifying that the problem has been solved to the customer's satisfaction, for closing the identified customer problem.

20. (Previously Presented) The system of claim 1, wherein, the analysis module, responsive to a response from the customer that the problem has not been solved, opens a new customer problem.

21. (Previously Presented) The system of claim 4, wherein an email query includes a yes link for enabling a customer to respond in the affirmative to the query as to whether the customer has any problems with goods or services provided by a provider that have not been resolved to the customer's satisfaction and a no link for enabling a customer to respond in the negative, wherein responsive to selection of the yes link, the system displays

Application No. 10/083,263

an interface for receiving input from the customer describing the problem that has not been resolved to the customer's satisfaction.

Application No. 10/083,263

EVIDENCE APPENDIX

NONE

B-1

Application No. 10/083,263

RELATED PROCEEDINGS APPENDIX

NONE